



AUSA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Arturo ABURTO-Garcia,)
)
Defendant.)

Mag. Case No.

'08 MJ 8458COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about May 20, 2008, within the Southern District of California, defendant Arturo ABURTO-Garcia, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22ND DAY
OF MAY 2008.

[Signature]
PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Arturo ABURTO-Garcia

4
5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon the statements in the
7 investigative reports of Border Patrol Agent C. Wong, that the Defendant, Arturo ABURTO-
8 Garcia, was found and arrested on or about May 20, 2008, approximately 7 miles east of
9 Calexico, California.

10 The Calexico Border Patrol Stations Remote Video Surveillance System (RVSS)
11 Operator observed a group of individuals make an illegal entry into the United States by crossing
12 the International Boundary with Mexico. The RVSS Operator assisted Agent R. Pinto locate the
13 group north of the border. Agent Pinto identified himself and approached the group to question
14 them. It was determined the group, including one individual later identified as Arturo
15 ABURTO-Garcia, are all citizens of Mexico illegally in the United States. ABURTO and the
16 others were arrested and transported to the Calexico California Border Patrol Station.

17 Record checks of ABURTO revealed he has been previously removed on May 1, 2008. A
18 further record check of ABURTO revealed he has an extensive criminal history.

19 There is no evidence that the defendant received permission from the Attorney General of
20 the United States or the Secretary of the Department of Homeland Security to re-enter the United
21 States.
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